

**CALENDAR ITEM
C64**

A 78
S 39

06/29/15
PRC 8182.1
R. Collins

REVISION OF RENT

LESSEE:

James Hoyt O'Neal and Nancy Dee Barden O'Neal, Trustees of the O'Neal Family Trust Under Trust Agreement Dated June 21, 2001

LAND, TYPE, AND LOCATION:

0.01 acre, more or less, of sovereign land in the Pacific Ocean below 211 Pacific Avenue, City of Solana Beach, San Diego County.

AUTHORIZED USE:

The retention, use, and maintenance of an existing seacave/notch infill, and the construction, use, and maintenance of a portion of a 35-foot high by 256-foot long seawall at the base of the bluff below 211-231 Pacific Avenue.

LEASE TERM:

10 years, beginning June 1, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommend that rent be revised from \$2,894 per year to \$3,980 per year, effective June 1, 2015.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the upland adjacent to the Lease Premises.
2. On August 20, 2010, the Commission authorized a General Lease – Protective Structure Use to James Hoyt O'Neal and Nancy Dee Barden O'Neal, Trustees of the O'Neal Family Trust Under Trust Agreement Dated June 21, 2001, for the retention, use, and maintenance of an existing seacave/notch infill, and the construction, use, and maintenance of a portion of a 35-foot high by 256-foot long seawall; the lease commenced on June 1, 2010, and will expire on May 31, 2020.
3. Staff has conducted the rent review called for in the lease and recommends rent be increased to \$3,980 per year.

CALENDAR ITEM NO. **C64** (CONT'D)

4. Staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Site And Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

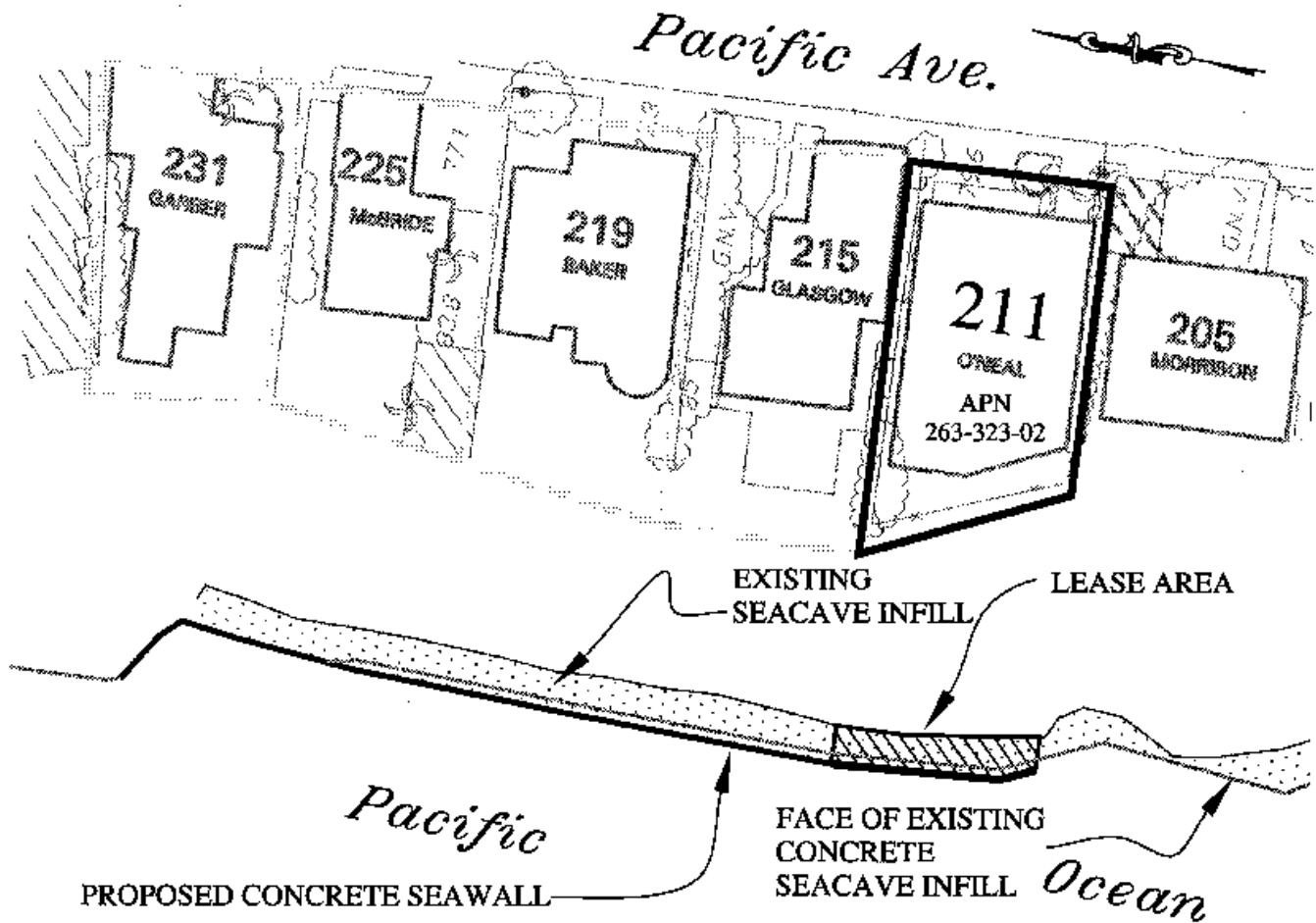
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8182.1 from \$2,894 per year to \$3,980 per year, effective June 1, 2015.

NO SCALE

SITE



211 PACIFIC AVENUE, SOLANA BEACH PROPOSED SEAWALL AND EXISTING SEA CAVE INFILL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 8182.1
O'NEAL TRUSTEES
APN 263-323-02
GENERAL LEASE-
PROTECTIVE STRUCTURE USE
SAN DIEGO COUNTY



TS 04/21/15